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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,674	01/22/2004	Michael Hosey	HG-04-01	5148
7590 09/15/2005 STUART WHITTINGTON, ESQ 7037 E. MONTE CIRCLE MESA, AZ 85208			EXAMINER DUONG, HUNG V	
			ART UNIT 2835	PAPER NUMBER
DATE MAILED: 09/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

14A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/762,674	HOSEY, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hung v. Duong	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

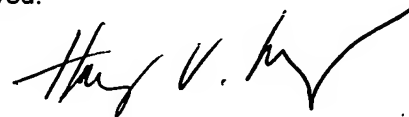
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413) **HUNG VAN DUONG**  
Paper No(s)/Mail Date. \_\_\_\_ **PRIMARY EXAMINER**
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charlier et al (US Pat. 6,934,568) in view of Willkens (US2005/0116042)

Regarding claims 1-2, 5-16, and 18-19 Charlier et al disclose a portable electronic device comprising: a memory 16; a data interface port 44 communicatively coupled to the memory 16; and a portable housing supporting the memory and data interface port, wherein the portable housing unit 14 includes a locking retaining portion 49 which in a first position facilitates insertion of an article for retaining the portable housing unit 14, and in a second position locks the portable housing unit 14 to the article wherein the retaining portion 49 is integral with the portable housing unit 14 wherein the portable electronic device comprises a digital camera, an audio device, an MP3 player wherein the memory comprises a flash memory and wherein the data interface port comprises a universal serial bus (USB) interface wherein the locking retaining portion is removable from the housing wherein the locking retaining portion is configured as a protective cover for the data interface port.

Charlier et al fail to disclose the locking retaining clip. However Willkens discloses the locking retaining clip (see para 18). Therefore, it would be obvious to one of ordinary skill to include a locking retaining clip of Willkens into Charlier et al's portable housing in order to secure the housing.

3. Claims 3-4, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charlier et al (US Pat. 6,934,568) in view of Willkens (US2005/0116042) and further in view of Siaperas U52001/0027151.

Regarding claims 3-4, 17, 20 Charlier et al and Willkens disclose all the subject matter of the claimed invention except for the retaining clip is a carabineer clip and pivotally connected to the portable housing. However Siaperas discloses the retaining clip is a carabineer clip (see Siaperas figure 7, means 105). Therefore, it would be obvious to one of ordinary skill to include a retaining clip of Siaperas into Wang's portable housing in order to secure the housing.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

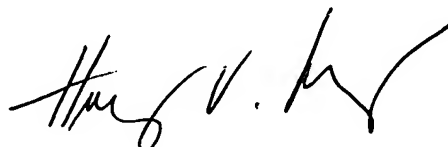
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung v Duong whose telephone number is 571-272-2041. The examiner can normally be reached on M-F from 8:30 to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVD

9/13/05.

A handwritten signature in black ink, appearing to read 'Hung V. Duong', with a stylized flourish at the end.

Hung Duong  
Primary Examiner.